

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MICHAEL PHILLIP PATRAKIS,)	CIV. NO. 17-00454 DKW-KSC
FED. ID #08431-122,)	
)	ORDER GRANTING APPLICATION
Plaintiff,)	TO PROCEED IN FORMA
)	PAUPERIS BY A PRISONER
vs.)	
)	
NEST LABS, TONY FADELL, CEO,)	
)	
Defendant,)	
_____)	

ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS BY A PRISONER

Plaintiff qualifies as a pauper within the meaning of 28 U.S.C. § 1915 and his Application to Proceed In Forma Pauperis By A Prisoner is GRANTED. As a prisoner Plaintiff is obligated to pay the full filing fee regardless of the outcome of this suit or whether he is later released. *See* 28 U.S.C. § 1915(b)(1-2). Plaintiff shall make an initial partial payment of 20% of the average of his monthly deposits to his account or average monthly balance in his account for the six months preceding the filing of this action, when such funds exist. 28 U.S.C. § 1915(b)(1). Thereafter, Plaintiff shall make partial payments of 20% of the preceding month's income credited to his account, when his account exceeds \$10.00. 28 U.S.C. § 1915(b)(2).

IT IS HEREBY ORDERED that:

(1) The United States Bureau of Prisons (BOP), the Warden or Financial Department of the Federal Detention Center (FDC) – Honolulu, or their designees shall calculate, collect, and remit to the Clerk of Court an initial partial payment equaling 20% of the average of Plaintiff's monthly deposits to or balance in his account for the **six months preceding the filing of this action on September 12, 2017**. Thereafter, BOP and/or FDC officials shall collect and remit monthly payments of 20% of the preceding month's balance or deposits in Plaintiff's account when the account exceeds \$10.00, until the \$350.00 filing fee is paid in full. *See* 28 U.S.C. § 1915(b)(2). These payments must be identified by the name and number assigned to this action.

(2) The Clerk is directed to serve a copy of this order on Plaintiff, and the FDC-Honolulu Warden and Financial Department. The Clerk shall submit a copy of this order to the District of Hawaii's Financial Department so it can open an account for this action.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, October 6, 2017.




Kevin S.C. Chang
United States Magistrate Judge